author's thesis is that law has to do not so much with individual rights as with group or social interests, and he traces the transition in law from individualism toward social interdependence or social solidarity. The legal theories of the French civil code, as outlined by Professor Duguit, are essentially equivalent to the principles of legal individualism which the courts have embodied into our constitutional law through their application of "due process of law" and "equal protection of the laws." No one can read this work and Professor Dicey's volume without being impressed with the fact that the movement toward the "socialization of law" is a world movement. The problems which we have been facing in this country are the same as those that are being, or have been, solved in other countries. The peculiar characteristic of development in the United States is the retarding influence of the courts through the judicial power to declare laws unconsitutional. It is unfortunate that American lawyers cannot obtain a view of legal development such as is embodied (although oftentimes with too much theorizing) in Duguit's volume, but few of our lawyers read French, and if the volume were translated into English it is feared that its readers would still be few.

Justice and the Modern Law. By EVERETT V. ABBOT. (Boston: Houghton, Mifflin Company, 1913. Pp. xiv, 299.)

This is an interesting and acute discussion of some of our fundamental legal problems. Mr. Abbot in his first chapter states and defends the highly individualistic philosophy of the common law, resting his argument upon a natural rights basis. He insists with much truth that in enforcing the "due process of law" limitation courts are enforcing moral, not legal principles, but he thinks that the courts are the proper custodians of our morals and asserts that "the error is not in the direction of declaring too many laws unconstitutional, but in the direction of not declaring enough laws to be unconstitutional." The author's view of "due process" as a moral standard coincides with his argument that stare decisis should not apply in constitutional cases. While those upholding the judicial attitude during recent years urge that the courts are gradually developing definite standards by which to test constitutionality, Mr. Abbot emphasizes the notion of the court as a moral censor, which in his opinion should apply the indefinite constitutional limitations without any necessary reference to previous decisions. Yet Mr. Abbot's own showing of judicial inefficiency and unwisdom raises a doubt as to whether the courts should be permitted to act as an "all-wise providence."

The bulk of the volume is devoted to a detailed criticism of judicial methods and judicial logic. The author is on firm ground when he criticises the bad reasoning which passes for argument in so many of our important judicial decisions. As a remedy for present evils he urges the application of pure reason to our system, such an application making necessary the discarding of the principle of stare decisis. In agreement with the natural rights school, Mr. Abbot conceives of law as an unchangeable body of principles which may be developed logically and may be applied to any social condition. He rejects, at least in his theoretical argument, the notion of laws as a social institution, whose principles must adapt themselves to social development. The defect in Mr. Abbot's volume is that of regarding law as if it were a system of formal logic. The development of new legal principles from the "sufficient reason" of judges, often ignorant of conditions to which such principles should apply, may leave us worse off than at present. The principle of stare decisis does not prevent the development of new legal principles by the courts, though such development is slow, and the discarding of this principle would involve a recognition of the judicial function in law-making for which we are not yet prepared. So long as the principle of stare decisis remains, too careful a use of logic would be a hindrance rather than a help, for bad reasoning is perhaps one of the most essential instruments employed by the courts in moving from old to new positions. Logical reasoning would often make our legal system too rigid, and law so long as it is a developing human institution cannot conform to the rules of the logician.

Mr. Abbot's book while interesting is fragmentary, and its later chapters do not measure up to the standard of the first. Its constitutional law is oftentimes not in agreement with that applied by the courts.

W. F. Dodd.

L'Angleterre radicale. Essai de psychologie sociale. (1906–1913.) By Jacques Bardoux. (Paris: Félix Alcan, 1913. Pp. vii. 559.)

The author's varied books and essays are valuable. Together they give a stimulating view of certain sections and aspects of English society but his first interest is the politics of the last twenty years. Here is a foreigner, a keen observer, who knows personally some of the many actors in a drama of extraordinary interest. And he writes with verve